

Serial No. 09/819,712

**REMARKS**

In the Office Action the Examiner noted that claims 1-18 and 65 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1, 2, 4, 12, 17, and 65 have been amended. No new matter has been presented. Thus, claims 1-18 and 65 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**Claim Rejections Under 35 USC §112**

On page 3 of the Office Action the Examiner rejected claims 16-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Particularly, the Examiner stated that the claims recite marketing information which includes the information of age/sex of the customer. The Examiner then questioned, since claim 1 recites "void of personal identification information," how can marketing information be gathered between the customer and seller.

The Applicant respectfully submits that personal identification information does not correspond to marketing information such as information regarding the age/sex of the customer, since it is impossible to identify the customer by the marketing information only. For example, information indicating that a customer is a 28-year old male is not tantamount to personal identification information, as there are thousands upon thousands of 28-year old males which may be acting as the customer. Therefore, the Applicant respectfully submits that claims 16-18 are properly recited, and meet the requirements of 35 U.S.C. §112, second paragraph. The Applicant further respectfully requests the withdrawal of the Examiner's §112 rejections of these claims.

**Claim Rejections Under 35 U.S.C. §102**

On pages 3-4 of the Office Action the Examiner rejected claims 1 and 65 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,807,530, issued to Shub et al. (hereinafter referred to as "Shub"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Serial No. 09/819,712

Claim 1 of the present application, as amended, recites "transferring the commodity to a receiver for the commodity at said non-residential place by using receiver certifying information being void of personal identification information." In other words, since the receiver certifying information does not include any personal identification information, the customer cannot be identified by the receiver certifying information. The Applicant respectfully submits that Shub does not disclose or suggest at least this feature of claim 1.

Shub discloses a method of preserving anonymity for a customer engaged in commerce so that a merchant cannot identify the customer. A customer may make an anonymous order with a merchant by giving the merchant the order and the identity of a payment agency (Column 2, Line 46, through Column 3, Line 7). The merchant then communicates an order number to the customer, payment agency, and a warehouse. The payment agency handles the address labeling in a manner in which the merchant cannot see it, such as covering the address with foil, and the commodity is then given over to a delivery company, who removes the foil to determine the address information of the customer. The delivery company may not know the merchant nor the contents of the package, but does know the address of the customer. This is in direct contrast with claim 1 of the present application, which recites "transferring the commodity to a receiver for the commodity at said non-residential place by using receiver certifying information being void of personal identification information."

Therefore, Shub does not disclose at least the feature of "transferring the commodity to a receiver for the commodity at said non-residential place by using receiver certifying information being void of personal identification information." Accordingly, Shub does not disclose every element of the Applicant's claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Shub does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Shub, and withdrawal of the §102(e) rejection is earnestly and respectfully solicited.

Claim 65 of the present application, as amended, recites "transferring an item purchased by said purchase order using receiver certifying information being void of personal identification information." As discussed above in regard to claim 1 of the present application, Shub does not disclose or suggest at least this feature of claim 65. Therefore, it is respectfully submitted that claim 65 also patentably distinguishes over Shub.

Claim Rejections Under 35 USC §103

Serial No. 09/819,712

On pages 5-8 of the Office Action the Examiner rejected claims 2-6, 11-13, and 15 under 35 U.S.C. §103(a) as being unpatentable over Shub in view of U.S. Patent No. 6,336,100, issued to Yamada (hereinafter referred to as "Yamada"). The Applicant respectfully traverses the Examiner's rejections of these claims.

As discussed in the previous section of this Amendment, claim 1 patentably distinguishes over Shub. Further, the deficiencies of Shub are not cured by Yamada. For instance, Yamada apparently discloses an online shopping system which passes a commodity to a customer by collating member discriminating information recorded on an ID card of the customer with member discriminating information indicated on the delivery statement attached to the commodity. Since the ID card includes the member discriminating information, for example, a shop assistant can identify the customer. Therefore, claim 1 patentably distinguishes over Shub and Yamada, either alone or in combination.

Claims 2-6, 11-13, and 15 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by Shub or Yamada. Therefore, it is respectfully submitted that claims 2-6, 11-13, and 15 also patentably distinguish over Shub and Yamada.

On pages 8-9 of the Office Action the Examiner rejected claims 7-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Shub and Yamada as applied to claim 1, and further in view of U.S. Patent No. 6,236,972, issued to Shkedy (hereinafter referred to as "Shkedy"). The Applicant respectfully traverses the Examiner's rejections of these claims.

As previously discussed in this Amendment, claim 1 patentably distinguishes over Shub and Yamada. Further, as Shkedy merely discloses the use of digital signatures and biometrics, Shkedy does not cure the deficiencies of Shub and Yamada in regard to claim 1. Thus, as claims 7-8 and 10 depend from claim 1, and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references, it is respectfully submitted that claims 7-8 and 10 also patentably distinguish over the cited references.

On page 9 of the Office Action the Examiner rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Shub and Yamada as applied to claim 1, and further in view of U.S. Patent No. 6,085,170, issued to Tsukuda (hereinafter referred to as "Tsukuda"). The Applicant respectfully traverses the Examiner's rejection of this claim.

As previously discussed in this Amendment, claim 1 patentably distinguishes over Shub and Yamada. Further, as Tsukuda merely discloses the use of a commodity cabinet, Tsukuda does not cure the deficiencies of Shub and Yamada in regard to claim 1. Thus, as claim 9

Serial No. 09/819,712

depends from claim 1 and includes all of the features of that claim plus additional features which are not disclosed or suggested by the cited references, it is respectfully submitted that claim 9 also patentably distinguishes over the cited references.

On pages 9-10 of the Office Action the Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Shub in view of Tsukuda and U.S. Patent No. 6,609,113, issued to O'Leary et al. (hereinafter referred to as "O'Leary"). The Applicant respectfully traverses the Examiner's rejection of this claim.

As previously discussed in this Amendment, claim 1 patentably distinguishes over Shub and Tsukuda. Further, as O'Leary merely discloses paying a predetermined amount of money periodically to a customer's account to make payment on behalf of the customer, and the payment agent making a direct debit of a commodity price, O'Leary does not cure the deficiencies of Shub and Tsukuda in regard to claim 1. Thus, as claim 14 depends from claim 1 and includes all of the features of that claim plus additional features which are not disclosed or suggested by the cited references, it is respectfully submitted that claim 14 also patentably distinguishes over the cited references.

On pages 10-11 of the Office Action the Examiner rejected claims 16-18 under 35 U.S.C. §103(a) as being unpatentable over Shub in view of U.S. Patent No. 6,748,365, issued to Quinlan et al. (hereinafter referred to as "Quinlan"). The Applicant respectfully traverses the Examiner's rejections of these claims.

As previously discussed in this Amendment, claim 1 patentably distinguishes over Shub. Further, as Quinlan merely discloses disclosing marketing information, Quinlan does not cure the deficiencies of Shub in regard to claim 1. Thus, as claims 16-18 depend from claim 1, and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references, it is respectfully submitted that claims 16-18 also patentably distinguish over the cited references.

#### Summary

In accordance with the foregoing, claims 1, 2, 4, 12, 17, and 65 have been amended. No new matter has been presented. Thus, claims 1-18 and 65 remain pending and under consideration.

Serial No. 09/819,712

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of the Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS &amp; HALSEY LLP

Date: 05/30/06

By: Thomas L. Jones  
Thomas L. Jones  
Registration No. 53,908

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents.

P.O. Box 1450, Alexandria, VA 22313-1450

on 05/30, 2006

STAAS & HALSEY

By: Thomas L. Jones

Date: 05/30/06